

always be counted on to pick you up and make you smile. His concern for his soldiers and friends will be missed by all."

Nick and Jayme shared their love with a four-year-old son, Reilly, and he valued the daily contact with his family by phone, e-mail, and even Web cam. If nothing else, he made sure to e-mail Jayme every day, and even if it was short, he said what mattered, "I love you."

Nick was also close to his father, Jim, whom he affectionately called Pops. Father and son shared a love of the Chicago Cubs, the Indianapolis Colts, Indiana University basketball and fishing in Nyona Lake. Sharing in the grief of their loss are Nick's mother and stepfather, Jane and Scott Holmes, his stepmother Virginia Patterson, sister, Tai Johnson, and stepbrother Kyle McLochlin as well as the close knit community of Rochester.

According to Nick's family, the Army helped him grow up, become more focused, and develop into a leader who earned admiration for his toughness, yet showed compassion. His father noted that Nick didn't want to be a hero to anybody, except for his son and his family. Today, I recognize Nick as a hero to us all, a brave man, respected by his peers, loved by his family and friends, devoted to his duty. Jim expressed it well, "I'm just so proud. He's a hero. But it hurts." I echo those words as I recognize the honor the Nation holds for Nick, yet at the same time, acknowledge our grief. May God bless Nick, his family, his fellow soldiers, and his fellow countrymen as we share this collective sorrow.

IN MEMORY OF DR. MARY ESTHER  
GAULDEN JAGGER

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 19, 2007*

Mr. BURGESS. Madam Speaker, I rise today in memory of Dr. Mary Esther Gauden Jagger from Highland Village, Texas in the 26th Congressional District of Texas. Dr. Jagger passed away September 1, 2007 from Alzheimer's disease complications. She was 86 years of age.

Mary Esther Gauden Jagger was a scholarly woman who earned a bachelor's of science degree from Winthrop College and a doctorate in biology from the University of Virginia.

Dr. Jagger began working in 1949 at the Oak Ridge National Laboratory in Oak Ridge, Tennessee as a senior radiation biologist. The Jagger's relocated to Dallas from Tennessee in the mid-1960s, where Ms. Jagger took a position as professor of radiology at UT Southwestern Medical Center. She officially retired in 1992, but continued to visit her office until 2004.

Mary Esther Gauden Jagger helped found the National Organization for Women in 1966. She was president of the Association of Southeastern Biologists in 1959. She was also a member of the Committee on Toxicology and the U.S. National Research Council, as well as being involved in the Radiation Research Society and the Environmental Mutagen Society.

I know from my time in residency at Parkland Hospital, that Dr. Jagger was revered as

an expert. When in doubt or if any questions arose, you could always turn to the wisdom of Dr. Jagger.

While this woman was an accomplished biologist and successful author of scientific literature, she always made her family a priority. Relatives will remember her most for her personality and her devotion to her family.

Dr. Jagger is survived by her husband, children, and three grandchildren. It was my honor to represent Dr. Mary Esther Gauden Jagger, and I extend my deepest sympathies to her family and friends. She will be deeply missed.

## PATENT REFORM ACT OF 2007

SPEECH OF

**HON. MICHAEL E. CAPUANO**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 7, 2007*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1908) to amend title 35, United States Code, to provide for patent reform:

Mr. CAPUANO. Mr. Chairman, I rise today to express my opposition to H.R. 1908—the Patent Reform Act of 2007. I do so reluctantly, and hope to work with my colleagues when this bill moves to conference to produce a final product that will adequately address the concerns of all sectors of our innovation economy.

As the Representative of the 8th Congressional District of Massachusetts, I feel immensely privileged to represent many of the nation's leading innovators. The 8th District is home to some of the best institutions of higher learning in the nation, teaching hospitals, high tech businesses, financial services firms, and biotechnology companies big and small. I recognize how absolutely vital the strength and efficiency of our patent system is to each of them and I take the reform of that system very seriously.

H.R. 1908 is the most comprehensive update to the patent system in generations. The bill makes changes to our patent system that are important to improving the business environment for many sectors of our economy. However, the bill also alters our current system in a way that could potentially prove damaging to other sectors. I oppose this legislation reluctantly because the committee, in particular Chairman BERMAN, has worked diligently to improve this legislation at every stage.

I was very pleased, for example, to see the in the manager's amendment wording to strike the "prior use" sections of the bill. This change was important to ensuring that those who infringe on patents continue to have to meet a reasonable threshold if they assert a "prior use" defense. I was also pleased that the bill as reported from committee eliminated the "second window" of review after patents are granted. While this section may need additional changes, significant progress has been made to improve it.

I remain concerned, however, about the ramifications of the damages section of H.R. 1908. While I understand that the Chairman and the Committee have made several improvements to this section as well, as it is currently constituted in the bill the damages sec-

tion will unnecessarily elevate apportionment as a method of determining damages when a patent has been infringed. This provision could produce devastating consequences for some innovators. I believe we must be cautious when implementing such a serious change, and that ensuring flexibility is of paramount importance.

I look forward to working with my colleagues on the Judiciary Committee in order to produce the most balanced Patent Reform bill possible.

## PERSONAL EXPLANATION

**HON. TOM COLE**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 19, 2007*

Mr. COLE of Oklahoma. Madam Speaker, on Tuesday, September 18, 2007, I was unavoidably detained due to a prior obligation.

Had I been present and voting, I would have voted "Aye" on rollcall No. 873.

## TRIBUTE TO MR. RADCLIFFE KILLAM

**HON. HENRY CUELLAR**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 19, 2007*

Mr. CUELLAR. Madam Speaker, I rise today to honor Mr. Radcliffe Killam, one of the greatest members of the community of Laredo, Texas, who passed away at the age of 97 on September 8, 2007.

Mr. Radcliffe Killam was born on July 1, 1910, to Oliver Winfield and Harriet Smith Killam in Grove, Oklahoma. He came to Laredo with his family when he was nine years old. His father established the Mirando Oil Company in South Texas, which would later become Killam Oil Company under the leadership of his son, Radcliffe. Mr. Killam grew up working on oil rigs, and attended Laredo High School. He then received a Bachelor's degree from the University of Texas at Austin and earned a law degree from Harvard Law School in 1935. During World War II, Radcliffe was among those in the greatest generation to answer the call of duty by serving in the U.S. Naval Service overseas in the Atlantic and then in the Pacific.

When the war was over, Mr. Killam returned back to his oil business in Laredo, Texas, with his wife, the former Sue Spivey of Bonham, Texas, whom he had married in 1942. He was extensively involved in the community, and served on the boards and councils of banks, foundations, and educational institutions such as Texas A&M International University whose founding he had helped make possible through his donation of 300 acres for the campus. Mr. Killam truly believed that education was the key to success for the future of the community in Laredo, and endeavored through his various partnerships with TAMIU to ensure the continued success of TAMIU in South Texas. Mr. Killam also extended his philanthropic interests to Mercy Hospital in Laredo, M.D. Anderson Cancer Center in Houston, and to the South Texas Health Sciences Center.